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LETTER DATED 9 FEBRUARY 2000 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to apprise you of the positions of the Federal Republic of Yugoslavia on the draft regulation of the United Nations Interim Administration Mission in Kosovo (UNMIK), entitled "Privileges and immunities accorded to foreign government liaison offices in Kosovo" of 20 December 1999, prepared by the Special Representative of the Secretary-General, and on his announcement of the possibility of holding local elections in Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia, in September 2000.

The said draft regulation flagrantly violates the principles of the Charter of the United Nations, the provisions of the Vienna conventions on diplomatic and consular relations, the Convention on the Privileges and Immunities of the United Nations, as well as the powers of the international civil presence and of the Special Representative of the Secretary-General of the United Nations as envisaged in Security Council resolution 1244 (1999) of 10 June 1999.

The said draft regulation envisages a possibility for foreign States to open liaison offices whose personnel would enjoy the privileges and immunities that the Vienna conventions provide for the personnel of diplomatic missions. Although the Special Representative of the Secretary-General of the United Nations justifies that possibility by facilitating contacts between the international civil and security presences in Kosovo and Metohija and the Governments contributing to the fulfilment of the presences' mandates set forth in Security Council resolution 1244 (1999), the said draft regulation provides also for a possibility of having the liaison offices protect the interests of the contributing States and of performing consular functions in Kosovo and Metohija simultaneously.

Under the Vienna conventions, international law and international legal practice, the opening of representative and liaison offices of foreign States falls within the exclusive competence of a sovereign State. There is not a single autonomy or self-governance competent to receive foreign diplomatic representatives. Besides, the said draft regulation goes beyond the practice of

mission defining the conditions for diplomatic representation of foreign States in the territory where it carries out its peacekeeping operations.

The announcement of the Special Representative of the Secretary-General that it could be possible to hold local elections in Kosovo and Metohija next September has been made in wanton disregard for the democratic practice all over the world that free and fair elections are held only if necessary conditions for holding such elections have been created. The United Nations Interim Administration Mission in Kosovo (UNMIK) and the United Nations Protection Force (KFOR) are duty-bound to create such conditions (a safe and unimpeded return of all refugees and displaced persons; full personal and property security of all residents of Kosovo and Metohija; preservation of the multi-ethnic, multi-religious and multicultural nature of the Province).

Against a background of lawlessness, terror against and the exodus of the non-Albanian population of Kosovo and Metohija, there exist no minimum conditions for a proper registration of population, which is a necessary precondition for holding an election. Over 350,000 Serbs, Roma, Muslims, Goranci, Turks and other non-Albanians have been driven out of Kosovo and Metohija, while over 200,000 citizens of Albania have been allowed to enter illegally from Albania proper and from other countries without inspection of identification documents whereby the demographic composition of the Province and, by extension, its electorate have been substantially altered. Elections in such circumstances would amount to an attempt at legalizing the result of ethnic cleansing and would prejudice a negotiated political settlement within the Republic of Serbia and the Federal Republic of Yugoslavia. In addition, the media in the Serbian language in Kosovo and Metohija are not free, which by itself jeopardizes the regularity of possible elections.

Registration of population, elections and the electoral process are all among the sovereign rights of each and every sovereign State and its competent authorities. They have the discretion to accept the assistance or presence of international organizations pending prior agreement. The electoral process cannot be conducted without active and direct involvement of the competent authorities of the Republic of Serbia and the Federal Republic of Yugoslavia because, among other things, they alone possess relevant civil registries that are an essential requirement for subsequent voter registration. Short of their participation, local elections may not be considered legitimate and legal.

As it is evident that the draft regulation, entitled "Privileges and immunities accorded to foreign government liaison offices in Kosovo", and the announcement of the possibility of holding local elections in Kosovo and Metohija next September violate the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and, by the same token, Security Council resolution 1244 (1999) guaranteeing its sovereignty and integrity, the Federal Republic of Yugoslavia expects the Security Council to protect its own resolution and prevent its announced further violation.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.